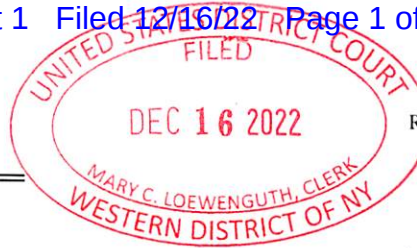


**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**



Revised 07/07 WDNY

Elizabeth Breton

Name(s) of Plaintiff or Plaintiffs

Jury Trial Demanded: Yes ☒ No ☐

22 CV 977-JLS

-VS-

DISCRIMINATION COMPLAINT

-CV- _____

Safran

Name of Defendant or Defendants

You should attach a copy of your **original Equal Employment Opportunity Commission (EEOC) complaint**, a copy of the Equal Employment Opportunity Commission **decision**, AND a copy of the **"Right to Sue"** letter you received from the EEOC to this complaint. Failure to do so may delay your case.

Note: *Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.*

This action is brought for discrimination in employment pursuant to (*check only those that apply*):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub.L.No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

_____ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub.L.No. 99-592, the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you **must first file charges** with the Equal Employment Opportunity Commission.

_____ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112-12117 (amended by the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

JURISDICTION is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub.L.No. 102-166, and any related claims under New York law.

In addition to the federal claims indicated above, you may wish to include New York State claims, pursuant to 28 U.S.C. § 1367(a).

X

New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

PARTIES

1. My address is: 3189 Broadway Rd Lot 8
Alexander, NY 14005

My telephone number is: (716) 901-3354

2. The name of the employer(s), labor organization, employment agency, apprenticeship committee, state or local government agency who I believe discriminated against me is/are as follows:

Name: Safran

Number of employees: 100+

Address: 225 Erie St.
Canastota NY 14086

3. (If different than the above), the name and/or the address of the defendant with whom I sought employment, was employed by, received my paycheck from or whom I believed also controlled the terms and conditions under which I were paid or worked. (For example, you worked for a subsidiary of a larger company and that larger company set personnel policies and issued you your paycheck).

Name: _____

Address: _____

CLAIMS

4. I was first employed by the defendant on (date): October 2015

5. As nearly as possible, the date when the first alleged discriminatory act occurred is: November 2021
6. As nearly as possible, the date(s) when subsequent acts of discrimination occurred (if any did): Nov. 16th 2021, Nov 22nd 2021
Dec 1st 2021 - Present
7. I believe that the defendant(s)
- a. ☒ Are still committing these acts against me.
- b. ☐ Are not still committing these acts against me.
- (Complete this next item **only** if you checked "b" above) The last discriminatory act against me occurred on (date) _____
8. (Complete this section **only** if you filed a complaint with the New York State Division of Human Rights)
- The date when I filed a complaint with the New York State Division of Human Rights is _____
- ____ (estimate the date, if necessary)
- I filed that complaint in (identify the city and state): _____
- The Complaint Number was: _____
9. The New York State Human Rights Commission did _____ /did not _____ issue a decision. (NOTE: If it **did** issue a decision, you **must** attach one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
10. The date (if necessary, estimate the date as accurately as possible) I filed charges with the Equal Employment Opportunity Commission (EEOC) regarding defendant's alleged discriminatory conduct is: _____
11. The Equal Employment Opportunity Commission did ☒ /did not _____ issue a decision. (NOTE: If it **did** issue a decision, you **must** attach one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
12. The Equal Employment Opportunity Commission issued the attached Notice of Right to Sue letter which I received on: 9.27.22. (NOTE: If it

did issue a Right to Sue letter, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)

13. I am complaining in this action of the following types of actions by the defendants:

- a. ☐ Failure to provide me with reasonable accommodations to the application process
- b. ☐ Failure to employ me
- c. ☒ Termination of my employment
- d. ☐ Failure to promote me
- e. ☐ Failure to provide me with reasonable accommodations so I can perform the essential functions of my job
- f. ☐ Harassment on the basis of my sex
- g. ☒ Harassment on the basis of unequal terms and conditions of my employment
- h. ☒ Retaliation because I complained about discrimination or harassment directed toward me
- i. ☐ Retaliation because I complained about discrimination or harassment directed toward others
- j. ☐ Other actions (please describe) bullied, threatened, coerced, belittled, shunned, segregated keeping me separated from work force

14. Defendant's conduct is discriminatory with respect to which of the following (check all that apply):

- a. ☐ Race
- b. ☐ Color
- c. ☐ Sex
- d. ☒ Religion
- e. ☐ National Origin
- f. ☐ Sexual Harassment
- g. ☐ Age _____ Date of birth _____
- h. ☐ Disability
Are you incorrectly perceived as being disabled by your employer?
____ yes ____ no

15. I believe that I was ☒ /was not ☐ intentionally discriminated against by the defendant(s).

16. I believe that the defendant(s) is/are X is not/are not _____ still committing these acts against me. (If you answer is that the acts are not still being committed, state when: _____ and why the defendant(s) stopped committing these acts against you: _____)

17. A copy of the charge to the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of my claim. (NOTE: You must attach a copy of the original complaint you filed with the Equal Employment Opportunity Commission and a copy of the Equal Employment Opportunity Commission affidavit to this complaint; failure to do so will delay initiation of your case.)

18. The Equal Employment Opportunity Commission (check one):

 has not issued a Right to sue letter

X has issued a Right to sue letter, which I received on 9.27.22

19. State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Nov 2021 I notified Safran that the new policies, procedures, protocols, & requirements they were implementing on their employees went against my sincerely-held individual religious beliefs. Since then I have been treated differently. I was bullied w/ write ups & a suspension. Dec 1st 2021 I felt threatened when 3 personnel waited for me outside the bathroom demanding me to violate my beliefs. Union President & VP gave me choice to violate my beliefs or go home. My God has demanded me NOT to allow any other gods before me, I am NOT allowed anyone or anybody, institutions on Earth to come between me & My God. Feeling as if they were trying to do so, & no longer being able to tolerate the harassment I went home, this resulted in feeling belittled & shunned. They believed an unpaid leave or absence was in good faith a reasonable accommodation. I appealed that decision & filed complaint w/ EEOC. I felt it to be discriminatory & retaliatory actions. Nov 2022 I received letter of termination for being unable to agree to another possible unpaid leave. I have given Safran adequate notice of their violations & have exhausted all other available remedies.

FOR LITIGANTS ALLEGING AGE DISCRIMINATION

20. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct _____ 60 days or more have elapsed _____ less than 60 days have elapsed

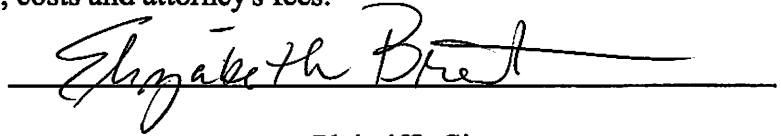
FOR LITIGANTS ALLEGING AN AMERICANS WITH DISABILITIES ACT CLAIM

21. I first disclosed my disability to my employer (or my employer first became aware of my disability on _____)

22. The date on which I first asked my employer for reasonable accommodation of my disability is _____
23. The reasonable accommodations for my disability (if any) that my employer provided to me are: _____
24. The reasonable accommodation provided to me by my employer were ____/were not ~~X~~ effective.

WHEREFORE, I respectfully request this Court to grant me such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

Dated: 12-13-22



Plaintiff's Signature

EEOC Form 5 (11/09)

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form. | Charge Presented To: Agency(ies) Charge No(s): EEOC 525-2022-00644 FEPA |
| New York State Division Of Human Rights and EEOC <i>State or local Agency, if any</i> | |

| | | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------|--------|------------|------------|
| Name (indicate Mr., Ms., Mrs.) Mrs. Elizabeth Breton | Home Phone (716) 901-3354 | Year of Birth | | | | |
| Street Address 3189 BROADWAY RD. LOT 8 ALEXANDER, NY 14005 | | | | | | |
| Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) | | | | | | |
| Name SAFRAN | No. Employees, Members Unknown Number Of Employees | Phone No. (716) 683-5100 | | | | |
| Street Address 225 Erie St LANCASTER, NY 14086 | | | | | | |
| Name | No. Employees, Members | Phone No. | | | | |
| Street Address City, State and ZIP Code | | | | | | |
| DISCRIMINATION BASED ON Religion | DATE(S) DISCRIMINATION TOOK PLACE <table border="0"> <tr> <td>Earliest</td> <td>Latest</td> </tr> <tr> <td>11/17/2021</td> <td>12/22/2021</td> </tr> </table> | | Earliest | Latest | 11/17/2021 | 12/22/2021 |
| Earliest | Latest | | | | | |
| 11/17/2021 | 12/22/2021 | | | | | |
| THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): | | | | | | |

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. | NOTARY – When necessary for State and Local Agency Requirements |
| I declare under penalty of perjury that the above is true and correct. Digitally Signed By: Mrs. Elizabeth Breton 01/31/2022 <div style="text-align: right;"><i>Charging Party Signature</i></div> | I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) |

EEOC Form 5 (11/09)

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <p align="center">CHARGE OF DISCRIMINATION</p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p> | <p>Charge Presented To: Agency(ies) Charge No(s):</p> <p align="center">EEOC 525-2022-00644</p> <p align="center">FEPA</p> |
| <p>New York State Division Of Human Rights</p> <p><i>State or local Agency, if any</i></p> | |

and EEOC

I began working for Respondent as a permanent employee in or around October 2015. I work in Level C Assemble & Test. I was first notified by my employer that Respondent would be requiring all employees who have not received the COVID-19 vaccine to comply with mandatory testing and masking in or around November 2021. I sincerely hold a religious belief that conflicts with my employers vaccine, masking, and testing mandate mandates. I completed the paperwork my employer gave me to notify them of my religious beliefs and my need to be exempted from the vaccine, testing, and masking mandates on or around November 8, 2021, and again on December 10, 2021. On or around December 12, 2021, I asked Respondent to allow me to temporarily change my schedule to the second shift; I received a response from Respondent a few days later noting that I could change my shift, but I would still need to wear a mask in the workplace. By letter dated December 22, 2021, Respondent notified me that they could not accommodate my religious beliefs that exempt me to work onsite with a mask. Instead, Respondent placed me on unpaid leave and has refused to accommodate my religious beliefs. I believe my employer failed to accommodate me and discriminated against me because of my religion, in violation of Title VII of the Civil Rights Act of 1964, as amended.

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> | <p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p> |
| <p>I declare under penalty of perjury that the above is true and correct.</p> <p>Digitally Signed By: Mrs. Elizabeth Breton</p> <p>01/31/2022</p> <p align="right"><i>Charging Party Signature</i></p> | <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p> |

Rebuttal

05/18/2022

The Covid-19 pandemic has definitely brought about some very difficult challenges for us all and my condolences go out to those who have experienced loss caused by it whether it be the closing of a family business, loss of a loved one, or for those like myself stripped of their livelihoods for having opposing views and beliefs about the situation.

Since notifying Respondent that new policies, procedures, and requirements they have implemented on their employees go against my sincerely-held individual beliefs by requesting a Religious Exemption and asking for reasonable accommodations they have treated me differently and violate my civil liberties. Their decision to keep me separated from the workforce with an unpaid leave of absence constitutes both discrimination and retaliation, not good faith. I have no name or label by which I use to describe my non-traditional religion, practice, or observance. While most traditional ones look to the sky for guidance from their God, mine lives within me. If I were to have notified them that I was of the Muslim faith, would they not permit me to wear my veil onsite? If I were a Jewish male, would they not permit me to wear my Yamaka onsite? If Respondent created a new policy, procedure that required their employees to gather together at the beginning of every shift for prayer, would they bully, intimidate, harass, and coerce an Atheist into participating?

The guidelines given by the CDC, WHO, and other public health officials are recommendations. Mandates are not laws, can you provide to me the penal code for the law I am in violation of by not wearing a mask? What is the penal code for the law I'm in violation of by not undergoing medically invasive procedures? Forcing people to self suffocate is a type of invasive procedure and requirement, my guide within tells me breathing oxygen is an essential element to sustain the life of this temple therefore will not deprive it of something so vital. If I get sick and die because I didn't follow the guidelines then no one else is to blame but me. What ever happened to getting a 2nd or even in some cases a 3rd opinion when it comes to seeking medical/healthcare advice anyway? Aren't those who have chosen to follow the guidelines and recommendations already protected? Why is the Respondent so persistent about whether or not I do? Do they have some doubts that the recommendations being provided work? If this asymptomatic thing Respondent keeps mentioning were the case, wouldn't I be experiencing signs of it in my personal life? Is the Respondent allowing their own personal beliefs about the situation to cloud their judgment, are they incompetent or intentionally deceiving? Why after 2 years of performing self health screens, staying home if I were sick and continuing to do so as I have been suddenly not accepted as a reasonable accommodation? When this became the case I suggested via appeal letter I submitted January 10th 2022 by asking for a modification to my schedule, working my area 2nd shift. I understand Respondent doesn't normally run that section at this time, but I had once modified my schedule for them by doing a split shift to run this area when they asked due to a high demand for product at the time, so why couldn't they have done the same for me? Nobody else would've been in the area, maybe a few people here and there.

Even the chances of running into someone through the hallways and bathroom would've been slim, there is an extremely lower amount of people in the building at that time. Told them we'd reevaluate the situation at a later date to determine my return to normal working hours. What undue hardships would the Respondent experience by continuing to allow a healthy, hardworking, reliable female, 44 years of age onsite breathing oxygen?

I was bullied, intimidated, harassed and coerced into complying, forced to go through the theatrics of it. I never covered my nose and would pull the mask down away from my mouth when talking. It wasn't until information of The Healthy American Website was brought to my attention that I started acquiring knowledge about the laws that have been put into place to protect the people of this country and the proper way to invoke my rights. I had passed this information onto the Respondent in hopes they would put forth the time and effort to learn along with me, not as a source to support my beliefs. They are my individual beliefs therefore do not need to be supported by facts. Number 15 of Exhibit C attached to the Respondents position statement asked to provide additional information I thought would be helpful, so I did. I feel it to be a reliable source, I have not spent a single penny through this site, they have educational videos available for free on their YouTube Channel. Is the Respondent going to try telling me next that they feel it's a source of misinformation? I have submitted supporting documentation, copies of state civil codes, NYS Human Rights Laws, information from OSHA and the EEOC, even the Constitution of NYS. Are any of you aware of NY penal code 121.11? It states that it is against the law to cause someone to stop breathing or to obstruct a person's ability to breath, so wouldn't that mean not only the Respondent but also State and Local Government Officials are in violation of this law with mandating masks? It does obstruct a person's ability to breath does it not? What about Chapter 6 of the NYS Laws, Article 7 § 79-I, Discrimination against person who refuses to perform certain act prohibited.

I appreciate the time the EEOC has put into addressing this matter and ask that they do not drop the case in its entirety, that they call the workplace and ask to speak to the following individuals as witnesses:

Harold Cummings, Michael Conway, Bridget Morey (Union VP), Robert Morrison (Union President), Angela Harris, Valorie Soleman, Christian Myers, Brian Krawczyk, Dana Burt, Issac Greene, Diana Haraburda, Kathy Hoffman, Michael Cash, Patrick Stitch, Clif Hornick, Darrius Wolowski, Larry Bitterman, Jeff Segal, Wendy Collis, Sara Hale, Anna Kaczynski, Ron Calvin, Kevin Higgins, Russ Wetter, James Poniewierski, Dick Fisher, Amber Walkowiak, Vilet Pajor, Mary Guzdek, Kim Cammarata, Mark Boudreau, Gregg Moore, Paul Moore, Bryan Myers, Brenden Guide.

Ask how reliable of an employee am I? Do any of them feel at risk by my presence onsite breathing oxygen? Has anyone else walked around onsite without wearing a mask, have they received the same disciplinary actions for not adhering to the company's policies? Why is it acceptable to be in work areas without it but unacceptable throughout other parts of the facility? Has 6 feet of distancing always been maintained in these areas where it's acceptable to be without it? Has any of them seen me onsite since the start of my unpaid leave of absence without

having my face covered? Has the Respondent ever made anyone else feel intimidated, bullied, or harassed? Was another person put on unpaid leave after seeking a medical exemption? If so, is the Respondent making examples out of us to stoke the fear in other employees from provoking their rights? I have passed The Healthy American Website and YouTube Channel onto a number of these people, apparently I am the only one who's actually put forth the time and effort to be educated, gaining the courage and confidence to stand up for my rights and fight for what I believe in. It saddens me this wasn't the same for others, that they remain too scared to do so. While a number of these people have wasted time just complaining I instead have learned of a way to actually do something about it. No one has the authority to determine the sincerity of anyone's beliefs. As I've stated in #8 of Exhibit C:

No right is more sacred than the right of every individual to the control of their own person, free from all restraints and interference of others.

Elizabeth Breton



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Buffalo Local Office

Olympic Towers
300 Pearl Street, Suite 450
Buffalo, NY 14202
Phone: (716) 431-5007
Fax: buffaxmain@eeoc.gov

Elizabeth Breton
3189 Broadway Rd. Lot 8
Alexander, New York 14005

Re: Charge No.: 525-2022-00644
Breton v. Safran Group

Dear Ms. Breton:

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), has reviewed the above-referenced charge according to our charge prioritization procedures. These procedures, which are based on a reallocation of the Commission's staff resources, apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

In your charge, you alleged that you were denied a reasonable job accommodation for your sincerely held religious belief and discharged you because of your religion in violation of Title VII of the Civil Rights Act of 1964, as amended (Title VII).

Title VII requires an employer to provide a reasonable job accommodation to an individual with a sincerely held religious belief that would relieve employees of the burden of choosing between their jobs and their religious convictions. Under Title VII, however, the employer is not required to provide a requested accommodation if it would result in more than a minimal hardship to the employer. Courts have found more than a minimal hardship where the requested accommodation impairs workplace safety [e.g., spread of COVID -19], or cause co-workers to carry the accommodated employee's share of potentially hazardous or burdensome work. A requested accommodation that conflicts with another law would also ~~be considered more than a minimal hardship for the employer.~~ Under Title VII, the EEOC must also consider other factors including: the assessment of the public risk posed at a particular time; the availability of effective alternative means of infection control; and the number of employees who actually request accommodations.

Based upon the information submitted during the investigation, the Commission is unable to conclude that the evidence establishes a violation of Title VII. The Respondent has successfully illustrated that the granting of your requested accommodation would have been more than a minimal hardship under the circumstances. This does not certify that the Respondent is in compliance with statutes. No finding is made as to any other issue that might be construed as having been raised by this charge. The EEOC's processing of this charge has been concluded. Included with this letter is your Notice of Dismissal and Right to Sue. Following this dismissal, you may only pursue this matter by filing suit against the Respondent within ninety (90) days of receipt of this notice. Otherwise, your right to sue will be lost. If you have any questions, please contact Investigator Stephanie Littlehale at (716) 431-5014.

Sincerely,

Maureen C. Kielt

Digitally signed by Maureen C.
Kielt
Date: 2022.09.22 18:19:57 -0400

Maureen Kielt
Direct Local Buffalo Office



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Buffalo Local Office
300 Pearl St, Suite 450
Buffalo, NY 14202
(716) 431-5007
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 09/22/2022

To: Mrs. Elizabeth Breton
3189 BROADWAY RD. LOT 8
ALEXANDER, NY 14005
Charge No: 525-2022-00644

EEOC Representative and email: Stephanie Littlehale
Investigator
Stephanie.littlehale@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Maureen C. Kielt Digitally signed by Maureen C. Kielt
Date: 2022.09.22 18:20:42 -04'00'

Maureen C. Kielt
Director, Buffalo Local Office

Cc:

**John Godwin
Hodgson Russ LLP
140 PEARL ST STE 100
Buffalo, NY 14202**

**Tama J Gresco-Sauers
Avox Systems Inc
225 Erie Street
Lancaster, NY 14086**

Please retain this notice for your records.

CIVIL COVER SHEET

22 CV 977

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings and other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Elizabeth Breton

(b) County of Residence of First Listed Plaintiff Genesee
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se

DEFENDANTS

Safran

County of Residence of First Listed Defendant Erie
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 625 Drug Related Seizure | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 375 False Claims Act |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> of Property 21 USC 881 | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 690 Other | INTELLECTUAL PROPERTY RIGHTS | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 330 Federal Employers' Liability | | <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | | <input type="checkbox"/> 830 Patent | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 345 Marine Product Liability | | <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application | <input type="checkbox"/> 450 Commerce |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) | <input type="checkbox"/> 350 Motor Vehicle | LABOR | <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 460 Deportation |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 710 Fair Labor Standards Act | <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 720 Labor/Management Relations | SOCIAL SECURITY | <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) |
| <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 740 Railway Labor Act | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 485 Telephone Consumer Protection Act |
| <input type="checkbox"/> 195 Contract Product Liability | | <input type="checkbox"/> 751 Family and Medical Leave Act | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 490 Cable/Sat TV |
| <input type="checkbox"/> 196 Franchise | | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) | <input type="checkbox"/> 850 Securities/Commodities/Exchange |
| | | <input type="checkbox"/> 791 Employee Retirement Income Security Act | <input type="checkbox"/> 864 SSID Title XVI | <input type="checkbox"/> 890 Other Statutory Actions |
| REAL PROPERTY | CIVIL RIGHTS | IMMIGRATION | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 891 Agricultural Acts |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 462 Naturalization Application | FEDERAL TAX SUITS | <input type="checkbox"/> 893 Environmental Matters |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 895 Freedom of Information Act |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input checked="" type="checkbox"/> 442 Employment | | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 896 Arbitration |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 443 Housing/Accommodations | | | <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | | | <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes |
| <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 446 Amer. w/Disabilities - Other | | | |
| | <input type="checkbox"/> 448 Education | | | |
| | PRISONER PETITIONS | | | |
| | <input type="checkbox"/> 463 Alien Detainee | | | |
| | <input type="checkbox"/> 510 Motions to Vacate Sentence | | | |
| | <input type="checkbox"/> 530 General | | | |
| | <input type="checkbox"/> 535 Death Penalty | | | |
| | Other: | | | |
| | <input type="checkbox"/> 540 Mandamus & Other | | | |
| | <input type="checkbox"/> 550 Civil Rights | | | |
| | <input type="checkbox"/> 555 Prison Condition | | | |
| | <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. Section 2000e-5

Brief description of cause:

Title VII

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

12-13-22

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

Elizabeth Breton Pro Se

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Bretm

3189 Broadway Rd. Lot 8
Alexander, NY 14605

USD

DEC

BU

United States
200 US
2 Niagara
Buffalo,



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C - WDNV

16 2022

FFALO

States District Court Clerk
Courthouse
a Square
NY 14202-3498

